

1 **ryan-c: family of Bundy**

2 In care of postal address:

3 Post Office Suite 7447

4 Bunkerville, Nevada

5 c4cffforall@gmail.com

6 Sui Juris

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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9 UNITED STATES AMERICA,

10 Plaintiff

11 CASE No. 2:16-cr-00046-GMN-PAL

12 Vs.

13 **JUDICIAL NOTICE & AFFIDAVIT**
OF TRUTH in

14 **Response to Government's Motion to**
Reconsider Orders Dismissing
Indictment With Prejudice [ECF No.
3116, 3117, 3122]

15 RYAN C BUNDY, Entity created November 21, 1972,

16 File number 197223595

17 Defendant.

18 **I**

19 **ryan-c: family of Bundy Directs the Court to Take Judicial Notice of Facts**

20 The Court shall take judicial notice that I ryan-c: family of Bundy have right not to be harassed! The
21 Government's attempts to place me in jeopardy again is harassment causing harm to come to me by
22 preventing me from pursuing happiness and ability to productively provide necessary means for the support
23 of my wife and children. UNITED STATES OF AMERICA has sent forth swarms of officers to harass I,
24 and my family, to eat out our substance until we are withered in hunger and exhaustion from being
25 continually compelled to defend against these harassments.

26 The Court shall take further judicial notice that the Constitution for the united States of America protects
27 any person accused of a crime, who has been placed in jeopardy of either life or limb, shall not be twice
placed in jeopardy for the same offence. *Amendment V, United States Constitution.*

28 The Court shall take further judicial notice that Black's Law Dictionary, tenth edition, page 963 defines
jeopardy as "The risk of conviction and punishment that a criminal defendant faces at trial. Jeopardy
attaches in a jury trial when the jury is empaneled, and in a bench trial when the first witness is sworn".

The Court shall take further judicial notice that the first jury was empaneled as “Grand Jury” on or about July 29, 2015, (as known by the Court and unknown by Me.) Thus, jeopardy did attach at that time. Therefore, Double jeopardy attached when the “Petite Jury” was empaneled on November 02, 2017 at 12:06 pm.

The Court shall take further judicial notice that the Petite Jury was dismissed by Judge Gloria M. Navarro December 20, 2017.

The Court shall take further judicial notice that a new trial regarding RYAN C BUNDY is, in fact, triple jeopardy and will cause ryan-c: to further suffer tort, to which any judge assenting to, and participating in a miscarriage of justice by subjecting ryan-c: to be twice placed in jeopardy, shall be party to the tort placed upon him.

II Points and Authorities

In the case, *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954)¹ the United States of America Supreme Court announced that government officials must follow agency regulations. The Accardi Doctrine is the foundation for the **rule of law** requiring governmental agencies to observe their rules even when it is not expedient.

The Supreme Court first established the principle that government agencies must follow their own rules in its 1932 decision, *Arizona Grocery Co. v. Atchison, Topeka & Santa Fe Railway*². This principle became known as the Accardi principle after the Supreme Court vacated a deportation order issued by the Board of Immigration Appeals in *United States ex rel. Accardi v. Shaughnessy*³. The Supreme Court later reaffirmed this doctrine in *Service v. Dulles*⁴, *Vitarelli v. Seaton*⁵, *Yellin v. United States*⁶, and *United States v. Nixon*⁷.

¹ 347 U.S. 260 (1954).

² 284 U.S. 370 (1932) (barring the Interstate Commerce Commission from ignoring its own order. The court acknowledged that the Commission could repeal its order and establish a new rule but it could not deviate from its existing rules.) Cf. *American Farm Lines v Black Ball Freight Serv.*, 397 U.S. 532 (1970) (commission's violation of its own rules was not prejudicial, and does not require a remedy).

³ 347 U.S. 260 (1954); *see also* *Bridges v. Wixon*, 326 U.S. 135, 152 (1945) (reversing agency action for violating agency regulations in improperly admitting evidence; the court held that violating the agency's own regulations denied the petitioner due process of law).

⁴ 354 U.S. 363 (1957) (agency must follow procedural regulations and grant a hearing before discharging officer).

⁵ 359 U.S. 535 (1959)(agency must follow prescribed procedures in employee discharge).

1 In each of these cases, the high court struck down government action that violated existing agency
 2 regulations. It upheld the public's right to have government officials follow agency regulations unless and
 3 until the agency revokes or amends its rules. There is authority for the proposition that this principle is part
 4 of the constitutional guarantee of due process, and authority for the proposition that it is a non-constitutional
 principle of administrative law.

5
 6 Once an agency establishes its rules or regulations, it must follow them. The courts do not have
 7 discretion to tolerate the official's departures or deviations from the agency guidelines, and should grant
 8 equitable relief to the "defendant" and enjoin the agency in question from this conduct. The courts do not
 9 have the discretion to try one for allegedly breaking a rule/statute while intentionally ignoring prosecutorial
 10 misconduct by deviations from rules. No honorable, reasonable or impartial judicial officer could, in good
 faith, condone this deviation.

11
 12 The agency officials presumably follow the guidelines most of the time. When policies are
 13 followed, they provide procedural protection against potential violations of constitutional and statutory
 14 rights; they can also provide a meaningful check on legal but potentially inappropriate action. Inevitably,
 15 some officials will disregard such rules. It is the court's role to determine where a remedy would be
 16 appropriate and to require the government to follow its procedures. This ensures consistent treatment, and
 17 gives notice to agencies that they are not free to make rules or guidelines and arbitrarily depart from them
 18 with impunity.

19
 20 **III**
 21 **AFFIDAVIT OF TRUTH**

22
 23 1. De facto UNITED STATES OF AMERICA by and through its agents DEPARTMENT OF
 24 JUSTICE attorneys DAYLE ELIESON; STEVEN MYHRE; NADIA J. AHMED; ELISABETH O.
 25 WHITE; DANIEL R. SCHIESS; and others unknown to I (Government), continue to use lies and
 26 deceit to sway this Court to further allow Government to harass I, ryan-c: Bundy one of the People
 27 from among "We The People", and to eat out my substance. (ECF No. 3175 Governments motion)

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 31⁶ 374 U.S. 109 (1963)(congressional committee must follow its own rules and consider citizens request that his
 32 testimony be taken in executive session).

33
 34⁷ 418 U.S. 683 (1974) (Special Prosecutor had authority to subpoena Presidential tapes under Justice department
 35 regulations unless or until the Attorney General revokes or amended the regulation).

1 2. Government used false testimony from among Government employed agents as witness, sworn
2 under oath to tell the truth, the whole truth, and nothing but the truth, **who in fact did not tell the**
3 **truth**, to fraudulently obtain a 16-count indictment against all 19 defendants in this case.

4 3. Government has not evidence that conspiracy to commit crime existed.

5 4. Government has not evidence that any man, other than the accused and other People supporting
6 them, sustained harm, or was assaulted, obstructed, threatened, extorted.

7 5. Government has not evidence that defendants engaged in any type of extortion.

8 6. All the while Government assaulted, obstructed, threatened, extorted, battered, and otherwise harmed
9 the defendants in their rightful duties to pursue happiness, provide for the welfare of their families,
10 and to defend their lives and liberties for themselves and their neighbors.

11 7. Based on the governments actions at the impoundment sit on April 12, 2014 by and through hours of
12 examination of the discovery in this case, it has become obviously apparent that Government has
13 conspired against the Bundy family to destroy their lives and livelihood, to kill, or to otherwise
14 entrap them into a scenario that would, appear to the public, to justify the use of deadly force
15 against the Bundy's, or otherwise provide the means necessary to prosecute them into lengthy
16 imprisonment terms. It is apparent that Government wants the Bundy's dead, either by the barrel of
17 a gun or behind concrete walls and steel bars of prison.

18 8. By the words of one of the de facto agents of Government, Michael Johnson- BLM special agent,
19 who self-perceives he is in authority said to I, ryan-c: family of Bundy on March 18, 2014, prior to
20 the events leading up to April 12, 2014. that **"This will be the next Waco or Ruby Ridge"** **"We**
21 **will kill you**. This evidence has not yet been brought to light on the record of the Court, or in the
22 public eye, but it will if this case is reopened. Michael Jonson made clear the intentions of
23 Government regarding the Bundy's and Governments militarized actions in those words.
24 Government fully intended to reduce the Bundy's into absolute despotism or to kill them in a Wako
25 type fashion if they resisted their self-perceived authority. Government did not count on the many
26 noble and brave American People who voluntarily came in defense of life and liberty to protect the
27 Bundy's and the rights of all of We The People, which thwarted Governments intent.

28 9. Government has been caught red handed in criminal activity. Some of this activity was noticed by
29 this court which lead to the dismissal with prejudice of the fraudulently obtained indictment. The
30 Government will be further exposed and embarrassed on the record and in the public eye if this case
31 is to be reopened.

32 10. Government prosecutors and this Court has failed to properly answer, in good faith, several
33 challenges to jurisdiction. In the absence of proper jurisdiction this Court shall not act.

1 11. Government is without evidence that defendants ever used force, threats of force, extortion, or any
2 overt act in furtherance of a conspiracy to commit a crime or used or carried a weapon in the
3 furtherance of a crime. The mere presence of people assembled is insufficient to establish that a
4 conspiracy exists. The mere presence of people who exercise their Constitutionally protected right
to Keep and to Bear their arms is insufficient to establish that they did so to further a crime.

5 12. Government is without victim. No man/woman can step forward under oath to honestly verify that
6 he/she has been harmed by any one of the defendants in relation to the events of April 12, 2014 or
7 the days leading up to. Yet all 19 defendants and many others can under oath verify that they have
8 been and continue to be harmed by the acts of de facto UNITED STATED OF AMERICA and its
agents in relation to the events of April 12, 2014.

9 13. Government uses twisted logic in attempts to switch who the aggressors are. UNITED STATES OF
10 AMERICA by and through its unconstitutional de facto agencies BLM, USPS, and others of self-
11 perceived authority, violently, in a military style fashion, aggressively attacked an honorable,
12 honest, hardworking, American family with the intent to destroy their livelihood, committed acts of
13 aggression, force and violent assault upon the family and neighbors, physically battering them but
14 then claim that the family and their supporters are the aggressors for their acts of defense.
Government attacked, the defendants only stood in defense, never being the aggressor.

15 14. The Bundy family and the People who peaceably assembled in their defense used no more force
16 than was reasonably necessary to resist the excessive force and militarized attack upon them by the
17 de facto agents of UNITED STATES OF AMERICA. No shot was fired, no man/woman of the
18 agents were physically harmed, no property of the agents was damaged. The mere presence of the
19 People assembled in support of a righteous cause is insufficient to claim that crime has been
20 committed. The People peaceably assembled used considerable restraint in the face of great danger
and threats of harm and death against them by the agents.

21 15. The acts of the agents of the UNITED STATES OF AMERICA are gross enough to shock the
22 conscience of any reasonable American. The acts of the Government prosecutors who use
23 deception, false testimony, withheld evidence, grossly embellished stories, entrapment, and other
24 devious means to fraudulently obtain indictments and to prosecute American People in this case and
many others is horrifyingly shocking to the consciences of reasonable Americans.

25 16. Further Affiant sayeth not.

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IV
Conclusion

1 The Court shall take Judicial Notice that ryan-c: did not, does not and will not consent to a new trial. That
2 Jeopardy has attached, and all defendants are now under the protection of the Fifth Amendment to the
3 Constitution for the united States of America to not be subject, for the same offence, to be twice put in
jeopardy of life or limb.

4 This Court ruled correctly that the Indictment be dismissed with prejudice. It would not be in the interest of
5 justice to reconsider that ruling.

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8 Executed on February 20, 2018

9 Credit for Accardi Doctrine to HEINONLINE
10 Citation: 18 AM. J. Crim. L. 357 1990-1991

11 BY:
12

/s/ Ryan C Bundy

ryan-c: family of Bundy
In care of postal address:
Post Office Suite 7447
Bunkerville, Nevada
Email: C4CFFforall@gmail.com
Cell Phone: (435) 701-1013

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CERTIFICATE OF SERVICE

I ryan-c: family of Bundy certify that on February 21, 2018, a copy of the following document(s) was {served/electronically} filed as follows:

1. JUDICIAL NOTICE & AFFIDAVIT OF TRUTH in Response to Government's Motion to Reconsider Orders Dismissing Indictment With Prejudice [ECF No. 3116, 3117, 3122]

Via the CM/ECF system, which will automatically serve a Notice of Electronic Filing and/or by:

- by certified U.S. mail, return receipt requested

- by U.S. mail placed in Postal Box at:

- by personal delivery by {my agent}:

- by fax to {fax number} at {time}:

- by common-carrier delivery by {identify type of delivery service, e.g., FedEx, UPS}:

- by e-mail to {e-mail address} _____ at {time}

- by the following agent/assistant for Defendant, RYAN C BUNDY:

/s/ Ryan C Bundy

ryan-c: family of Bundy
In care of postal address:
Post Office Suite 7447
Bunkerville, Nevada
Email: C4CFFforall@gmail.com
Cell Phone: (435) 701-1013

I certify that Maysoun Fletcher is a registered CM/ECF user and that service will be accomplished by the CM/ECF system.

/s/ Maysoun Fletcher
Maysoun Fletcher